

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-cr-00127-MOC

UNITED STATES OF AMERICA,

v.

DANIEL HEGGINS,

Defendant

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**ORDER**

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**THIS MATTER** is before the court on defendant's pro se filing entitled, "Notice and Demand for Void Judgment." (#86). The defendant pled guilty (#60) and this Court entered Judgment against the defendant in March 2016 (#80).

In this pro se document, defendant demands immediate restoration of his property, including his "freedom," "DNA," "fingerprints," and "time." (#86). The document claims that he is not admitting "to doing wrong." (#86). This defendant has pled guilty, been sentenced, and is currently serving his federal sentence, but appears to be awaiting designation in a local jail.

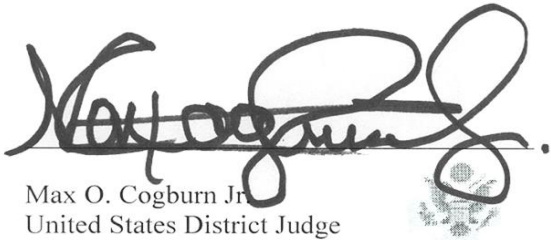
Among the arguments contained with the thirty-seven page pro se filing is an extended discussion of the court's — and the federal government's — alleged lack of jurisdiction over him. The defendant includes a copy of what appears to be his New York Birth Certificate, which would make him a natural-born American citizen. (#86, p. 32). As a citizen by birth, the defendant would be subject to the laws and jurisdiction of the United States. Indeed, citizenship is not even a requirement for this court to exercise jurisdiction as it does so frequently over both legal and illegal aliens. The arguments and claims made in this pro se filing are frivolous and require no action.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's "Notice and Demand for Void Judgment" (#86) is **DENIED** as **FRIVOLOUS** and requires no action from the court.

If defendant intends to attack the Judgment in this case, he is advised that to do requires filing a Section 2255 Petition asking the court to amend, vacate, or set aside the judgment or sentence. He is cautioned, however, that he has only one opportunity to do so and that a second or subsequent petition would require permission from the appellate court before filing in this court.

Signed: November 10, 2016



Max O. Cogburn Jr.  
United States District Judge